

1.1.C.15 Influenza Vaccine Control Plan

I Policy Index:



Date Signed: 09/18/2019
Distribution: Public
Replaces Policy: New
Supersedes Policy Dated: 10/01/2018
Affected Units: All Units
Effective Date: 09/18/2019
Scheduled Revision Date: September 2020
Revision Number: 5
Office of Primary Responsibility: DOC Administration

I Policy:

The Department of Corrections (DOC) shall adopt and enforce certain processes and procedures to reduce the risk of transmission of influenza within Department of Corrections (DOC) institutions, and to protect staff and offenders from influenza infection. Processes and procedures shall include annual influenza vaccination and approved precautionary measures.

II Definitions:

Direct Contact:

Contact between individuals that is within six feet of one another.

Facemask:

A loose-fitting, disposable device approved by the U.S. Food and Drug Administration for use as a medical device. Includes those labeled for use in surgical, dental, medical procedure, isolation or laser applications. These devices help stop droplets from being spread by the person wearing the device by creating a physical barrier between the mouth and nose.

Flu Vaccine:

Also referred to as the "flu shot". An inactivated or recombinant seasonal vaccine received by injection with a needle or as a nasal spray. Does not contain live influenza virus. Vaccination should optimally occur before the onset of influenza activity. Typically, available by October and should be offered as long as influenza viruses are circulating, and vaccine supplies are available.

Influenza:

A viral infection caused by influenza viruses A or B. Symptoms include fever/chills, sore throat, muscle aches, fatigue, cough, headache and runny/stuffy nose. Respiratory disease that can cause mild to severe illness, and in certain cases, death. The risk of transmitting to others can best be diminished through annual influenza vaccinations, hand washing with soap and water or use of hand sanitizer, covering coughs and sneezes and staying home when sick.

Influenza Season:

An annually recurring time period characterized by the prevalence of outbreaks of influenza. Typically begins during the fall and concludes in early spring. The Department of Health provides regular influenza surveillance summaries to identify the onset and conclusion of influenza season.

State Employee:

Any employee of an agency of the State of South Dakota.

Staff Member:

For the purposes of this policy, a staff member is any person employed or contracted by the Department of Corrections (DOC), full or part time, including vendors, students and pink tag volunteers who provide services to inmates or have direct contact with inmates within a DOC facility.

III Procedure:

1. Influenza Vaccine for Staff Members:

- A. Staff entering the secure perimeter of a DOC institution housing DOC inmates must complete one of the following requirements by December 1st of each year:
 - 1. Receive an annual influenza vaccination from the South Dakota Department of Health; or
 - 2. Provide documentation showing receipt of the current vaccination from an outside or private provider; or
 - 3. Complete a request for exemption. If granted an exemption, the person shall wear a DOC approved facemask, as directed.
- B. New staff members hired after December 1st are encouraged to receive an influenza vaccination within the first week of employment/assignment to the DOC, provided the influenza vaccine remains available.
- C. DOC staff assigned a work station outside of a DOC institution, whose work duties do not include entering a DOC institution housing inmates, are exempt from the above requirements. However, if at any time the staff member is required to have direct contact with inmates housed in a DOC institution, the staff member shall comply with the requirements listed in A. above.

2. Receipt and Administering of the Influenza Vaccine:

- A. State employees enrolled in the South Dakota State Employee Health Plan are encouraged to receive annual influenza vaccination by attending free, state-sponsored influenza vaccination clinics. A schedule of state sponsored influenza vaccination clinics may be accessed from the Department of Health (DOH) website: http://benefits.sd.gov/flu_vaccination.aspx. Influenza vaccination clinics may be provided by Health Services staff at DOC institutions for DOC staff.
 - 1. Staff members receiving an influenza vaccination through a private doctor, outside provider or non-state flu vaccination clinic, are responsible for all charges/fees assessed for the vaccination and for obtaining documentation from the provider verifying receipt of the flu vaccination. Documentation must be forwarded to the Bureau of Human Resources.
 - 2. State employees who have opted out of the State Employee Health plan, or those not eligible for the State Health Plan, are not eligible for free influenza vaccinations administered at state employee vaccination clinics or by DOC Health Services.

- B. Staff members who have not received a flu vaccination in the past, or who may be allergic to eggs, or who have had a serious reaction to the flu vaccine in the past, should consult their doctor before receiving the influenza vaccine.
- C. The DOC may contact the DOH to verify staff's receipt of the vaccination or request a list of DOC staff members who have received an influenza vaccination through a state or Health Service sponsored vaccination clinic.

3. Requesting Exemption Status:

- A. Staff members (includes vendors, students, interns and pink tag volunteers who provide services to inmates or have direct contact with inmates) who wish to request an exemption from the influenza vaccination requirement, must complete the *Exemption of Influenza Vaccination* form (See [Attachment 1](#)) **prior to November 15th**.
 - 1. Exemptions may only be requested for the following:
 - a. Documented medical contraindication to the influenza vaccination. A physician signed statement may be required.
 - b. Sincerely held belief or practice or adherence to an established religious doctrine whose teachings are opposed to immunization. Documentation of the doctrine's opposition to immunization may be required.
 - 2. Staff requesting exemption must complete an exemption form annually. The form is available online at <http://benefits.sd.gov/flu vaccination.aspx>.
 - 3. Exemption requests will be reviewed by the supervisor and forwarded to the Warden, Director or Secretary of Corrections for final approval.
 - 4. Qualifying staff shall be granted an exemption if doing so does not create undue hardship on the DOC.
 - a. Staff granted an exemption may be subject to additional precautionary measures while inside a DOC facility housing inmates, as recommended by the Centers for Disease Control (CDC) or DOH and directed by the Secretary of Corrections.
- B. Completed exemption forms will be retained in the staff member's personnel file by BHR staff.
- C. Staff may appeal the denial of a request for exemption, in accordance with DOC policy 1.1.C.4 [Staff Grievances](#).

4. Facemasks:

- A. Staff who have not received the influenza vaccination are required to appropriately wear an approved facemask when the SD DOH reports influenza activity has reached the "local", "regional" or "widespread" level. Control room staff shall ensure staff receive, or already have in their possession, an appropriate facemask, upon entrance to the secure perimeter of the institution.
- B. Staff must appropriately wear the facemask whenever having direct contact with inmates within the institution.

1. Failure to appropriately wear the facemask may result in disciplinary action and suspension of access privileges to the DOC institution and inmates.
2. Institutions are responsible for making approved facemasks available for staff use.

5. Records Retention:

- A. The DOC may assign staff to maintain records of influenza vaccination compliance by staff assigned to each institution.
 1. DOH staff may maintain records of the number of inmates who have received the influenza vaccination at each institution.
- B. During the influenza season, each institution housing DOC inmates shall maintain a list of staff who are required to wear masks when entering the institution. The list shall be available to Control Room staff after December 2 each year and anytime the flu level necessitates staff wear a mask while inside the institution.
- C. The Warden, Director or designee will be prepared to regularly report the rate of staff compliance with the influenza vaccination for each institution under their supervision, as well as the number of inmates and staff infected with confirmed influenza, as directed by the Secretary during the influenza season.

6. Corrective Action:

- A. Staff members who are non-compliant with the requirements set forth in this policy may be subject to disciplinary action, pursuant to BHR Disciplinary Action rules.

7. Exceptions to this Policy:

- A. Contractors not assigned to the DOC, emergency personnel, visitors, and others directly escorted and supervised by staff while in a DOC institution housing inmates, are generally exempt from the requirements listed in Section 1 A. of this policy, unless otherwise ordered by the Warden.
- B. The Bureau of Human Resource (BHR) or Department of Health (DOH) will notify the DOC when the flu season has officially ended or dropped to or below the "sporadic" level.
- C. If, after the flu season has officially ended for the season, the DOH determines flu activity has increased to a level exceeding "sporadic", all or part of the influenza control plan/policy may be reinitiated as ordered by the Secretary of Corrections.

IV Related Directives:

DOC policy 1.1.C.4 [Staff Grievances](#)

Copy of the executive order doh.sd.gov/documents/order2014-11.pdf

BHR Mandatory Influenza Vaccination Policy for Specific State Personnel

V Revision Log:

October 2014: New policy.

September 2015: **Added** definition of "Staff Member" and **Deleted** definition of "DOC Institution"
Added "Facemasks help stop droplets from being spread by the person wearing them" and **Deleted** "Facemasks will be properly disposed of after a single use" in definition of Facemask. **Deleted** "Direct

Contact” definition. **Deleted** “As a condition of employment” and **Added** “who enter the secure perimeter of a DOC institution, contract facility or other institution housing DOC offenders and **Deleted** “whose routine work duties bring them into direct contact with offenders housed in a DOC institution, contract facility or other facility with an influenza vaccination requirement” and **Deleted** “all staff members assigned a primary work location within a DOC institution” in Section 1 A. **Added** “from the SD DOH” to Section 1 A. 1. **Deleted** “current” and **Replaced** with “the staff member received” in Section 1 A. 2. **Deleted** “Receive or provide documentation of current exemption status from the BHR and **Replaced** with “Wear an approved facemask upon entrance into a DOC institution, contract facility or other facility housing DOC offenders” in Section 1. A. **Deleted** “whose conditions of employment include the criteria listed in 1 A.” in Section 1 B. **Added** “for any staff member assigned to the DOC who does not meet the criteria requiring vaccination as described in Executive Order 2014-11” in Section 1 C. **Deleted** E. in Section 1. **Added** “and/or staff member” in Section 2 C. **Added** 1. to Section 1 C. **Deleted** “having direct contact with offenders housed in a DOC institution, contract facility or other facility requiring influenza vaccination must provide documentation in accordance with this policy verifying “and **Replaced** with “entering an institution housing offenders will” in Section 1 D. and 2 D and 4 B. **Added** “within their unit” in Section 1 E. **Added** “and for providing documentation showing receipt of the flu vaccination” in Section 2 A. 1. **Added** “provide direct health care services to offenders” and **Added** “through the Executive Order” in Section 3 A. **Deleted** B. in Section 3. **Deleted** “may be” and **Replaced** with “will be” in Section 3 B. 2. **Deleted** “staff requesting exemption status must submit” in Section 3 C. **Added** E. to Section 3. **Deleted** “Warden, Superintendent, Director or designee” and **Replaced** with “DOC” in Section 4. A. **Deleted** “assigned staff member(s) will provide the” and **Added** “Will be prepared to provide control room staff with a list of staff who are required to wear a mask when they enter the facility” and **Deleted** “with a list of staff who have not received the influenza vaccination or exemption status in Section 4 B. **Deleted** “to the Secretary of Corrections by January 1 of each year” in Section 4 C. **Added** “or as directed by the Secretary of Corrections” in Section 4 C. **Deleted** 1. in Section 6 A. **Added** B. to Section 6.

October 2017: **Deleted** “Superintendent” in Section 4 C. **Added** C. to Section 6. **Added** definition of “Direct Contact” and revised definition of “Staff Member”. **Added** “Complete a request for exemption and” and **Added** “when directed” to Section 1 A. 3. **Deleted** C. and C. 1. in Section 1. **Added** “NOT required to complete 1-3 in Section 1 A. of this policy” to Section 1 C. **Deleted** C. in Section 2. **Deleted** “Who provide direct health care services to inmates are required to receive the influenza or be granted exemption status based on a documented medical contradiction to the influenza vaccine or adherence to a religious doctrine whose teachings are opposed to immunization.” in Section 3 A. **Added** 1. a. and b. to Section 3 A. **Added** 2. to Section 3 A. **Deleted** “staff exempted from the vaccination shall wear a mask upon entrance to an institution housing inmates” in Section 3 A. 3. **Added** “DOH staff may maintain records of the number of inmates who received the influenza vaccination at each facility” in Section 4 A. **Added** “as well as the number of inmates and staff inflicted with confirmed influenza” in Section 4 C. **Deleted** “volunteers” in Section 6 A.

September 2018: **Added** “Sincerely held belief or practice or” to Section 3 A. 1. b. **Deleted** “granted an exception” and **Replaced** with “shall be granted accommodation if doing so does not create undue hardship on the DOC” in Section 3 A. 4.

September 2019: Updated Attachment 1.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

09/18/2019

Date

Attachment 1: Exemption of Influenza Vaccination Form

The **Exemption of Influenza Vaccination form** is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Exemption of Influenza Vaccination Form.doc>

Department of Corrections Exemption of Influenza Vaccination Form	
Name: _____	Employee Number: _____
<p>Yearly, influenza vaccination is required for certain DOC staff, as defined within DOC policy 1.1.C.15 Influenza Vaccine Control Plan. An exemption may be issued to staff who are required to receive the annual influenza vaccination when (1) the staff member has a medical contraindication to the influenza vaccination, as documented by their physician, or (2) the staff member adheres to a religious doctrine whose teachings are opposed to immunizations.</p>	
<p>I acknowledge:</p> <ul style="list-style-type: none">• Influenza is a serious respiratory disease that causes thousands of lost work hours each year.• Influenza vaccination is recommended to help protect individuals from contacting some of the most serious forms of influenza. This is particularly true for those staff who are assigned to work in an institutional setting and those who provide direct health care to patients.• If an individual contracts influenza, the virus may be spread to others up to 24 hours prior the appearance of any influenza symptoms.• My refusal to be vaccinated could have life-threatening consequences to my health and the health of those with whom I have contact.	
<p>I am declining influenza vaccination for the following reason(s):</p> <p><input type="checkbox"/> Medical exemption to influenza vaccination:</p> <p>Signed: _____ Date: _____ <small>(Licensed Physician per SDCL Chapter 36-4)</small></p> <p>Printed Signature: _____</p> <p>Address of Clinic/Facility: _____</p> <p><input type="checkbox"/> I adhere to a religious doctrine whose teachings are opposed to immunizations.</p>	
<p>By declining the influenza vaccination, I understand I am required to wear an approved mask when in direct contact with inmates housed within a DOC institution. Refusal to adhere to the requirements specified in DOC policy 1.1.C.15 Influenza Vaccine Control Plan may lead to disciplinary action, up to and including suspension without pay or termination.</p> <p>Return this form to your supervisor no later than November 15. If applicable, new hires must complete the form upon hire.</p> <p>This form will be retained by the Bureau of Human Resources and is only valid for one year from the date it is signed. I have read and fully understand the information on this exemption form.</p>	
Staff Signature: _____	Date: _____
Supervisor: _____	Date: _____
<p>Revised 09/18/2019</p>	